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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,889	01/19/2001	Rosalic Luiten	L0461/7104	9782
	7590 05/14/2004		EXAMINER	
John R. Van Amsterdam Wolf, Greenfield & Sacks, P.C. Federal Reserve Plaza 600 Atlantic Avenue Boston, MA 02210-2211			DIBRINO, MARIANNE NMN	
			ART UNIT	PAPER NUMBER
			1644	
			DATE MAILED: 05/14/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
÷		09/766,889	LUITEN ET AL.			
	Office Action Summary	Examiner	Art Unit			
		DiBrino Marianne	1644			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)	Responsive to communication(s) filed on					
2a) <u></u> ☐	This action is FINAL . 2b) ☑ This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims					
4) Claim(s) 8,9 and 79-85 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 8, 9 and 79-85 are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority (under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) Notice 3) Information	et(s) be of References Cited (PTO-892) be of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:				

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DETAILED ACTION

- 1. Applicant's response filed 1/20/04 is acknowledged and has been entered.
- 2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:
- I. Claims 8 and 79-85, drawn to a method for stimulating an immune response in an HLA-B35 positive subject comprising administering a MAGE-A1 HLA-B35 binding peptide comprising SEQ ID NO: 10, classified in Class 424, subclass 185.1.
- II. Claims 8, 9 and 79-85, drawn to a method for stimulating an immune response in an HLA-B35 positive subject comprising administering an agent presenting a complex of a MAGE-A1 HLA-B35 binding peptide comprising SEQ ID NO: 10 and an HLA-B35 molecule, classified in Class 424, subclass 93.7.
- 3. Inventions I and II are different methods of use.

These inventions require different ingredients and process steps to accomplish the use of stimulating an immune response in an HLA-B35 positive subject comprising administering either a peptide (Invention I) or an agent presenting a complex of a MAGE-A1 binding peptide and HLA-B35 (Invention II).

- 4. Because these inventions are distinct for the reasons given above and the search required for any group from Groups I and II is not required for any other group from Groups I and II and Groups I and II have acquired a separate status in the art as shown by their different classification and divergent subject matter, restriction for examination purposes as indicated is proper.
- 5. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.
- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

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7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marianne DiBrino whose telephone number is 571-272-0842. The Examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Chan Y Christina, can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marianne DiBrino, Ph.D.

Patent Examiner

Group 1640

Technology Center 1600

May 10, 2004

CHRISTINA CHAN

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600